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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,496	09/07/2001	Johan Lindstrom	47874.263446	6022

28694 7590 06/12/2003

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EXAMINER

SMITH, TYRONE W

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 06/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/682,496

Applicant(s)

LINDSTROM ET AL.

Examiner

Tyrone W Smith

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7,12-19 and 23 is/are rejected.
- 7) ☒ Claim(s) 3-5,9-11 and 20-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5/6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Sweden on September 9, 2000. It is noted, however, that applicant has not filed a certified copy of the foreign application as required by 35 U.S.C. 119(b).

2. The drawings are objected to because Figure 1 should be labeled to describe each part in the system, for example in Figure 1 item 1 "Engine" should be labeled. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 2, 7, 8, 12-19 and 23 rejected under 35 U.S.C. 102(a) as being anticipated by Ranson et al (GB 2346351A).

Regarding Claims 1, 7-8, 12 – 19 and 23. Ranson discloses a motor vehicle having an electric motor for damping torque changes which includes a drive engine/internal combustion engine (Figure 1 item 10) coupled to a drive line and acting on the drive engine and/or drive line with a driving or braking torque by an electric motor (Figure 1 item 13) (abstract, column 1 lines

1 – 21, column 2 lines 1 – 15). The electric motor is coupled to the drive engine or constitutes a part of the drive line and controlling the electric motor using a control system (Figure 1 item 15), where the control system sends a pulse to the electric motor when change in the load occurs (abstract, page 4 lines 1 – 24, page 5 lines 1 – 2 and page 9 lines 18 – 20), thereby providing a supply or absorb torque or take up play to reduce oscillations in the drive line caused by the rapid torque changes (abstract, page 4 lines 1 – 24 and page 5 lines 1 – 2).

Regarding Claim 2. Ranson discloses measuring the torque applied to the driveline in current operating conditions (Figure 1; column 4 lines 1 – 10).

5. Claims 1, 2, 7, 8, 12-19 and 23 rejected under 35 U.S.C. 102(e) as being anticipated by Strandell et al (6505109).

Regarding Claims 1, 2, 6 – 8, and 13 – 19 and 23. Strandell discloses a arrangement and method for a driving unit in a vehicle which includes drive engine (Figure 1 item 1) coupled to a drive line in the vehicle and acting on the drive engine and /or the drive line with a braking or driving torque by the electric rotor machine/motor (Figure 1 item 9). The electric rotor machine is coupled to the drive engine or constitutes a part of the driveline. The control unit (Figure 1 item 12) sends a pulse to the control device (Figure 1 item 15) then to the electric rotor machine, for load changes and/or correction, prompting a torque pulse from the electric rotor machine to take up play in the drive line before torque from the engine occurs. Refer to the abstract, column 3 lines 47 – 67, column 4 lines 1 – 58, and column 5 lines 14 – 23.

Regarding Claim 12. The control unit (Figure 1 item 12) sends a pulse to the control device (Figure 1 item 15) then to the electric rotor machine, for load changes and/or correction, prompting a torque pulse from the electric rotor machine to take up play in the drive line before torque from the engine occurs. Refer to column 5 lines 14 – 23.

6. Claims 3 – 5, 9 – 11, and 20 – 22 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:  
The prior art(s) of record does not disclose only or in combination selecting the height and/or duration of the pulse from a matrix in the a memory based on the torque applied; the size and duration of the pulse are linked to different operating conditions.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tyrone W Smith whose telephone number is 703-306-5987. The examiner can normally be reached on weekdays from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370. The fax phone number for the organization where this application or proceeding is assigned is 703-308-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

Tyrone Smith  
Patent Examiner

Art Unit 2837

  
ROBERT E. NAPPI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800